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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,060	09/13/2003	Louis F. Manze III	RST863	7123
30245	7590	05/18/2004	EXAMINER	
ANTHONY EDW. J CAMPBELL			MCKINNON, TERRELL L	
PO BOX 160370			ART UNIT	PAPER NUMBER
AUSTIN, TX 78716			3743	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,060	MANZE, LOUIS F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Terrell L Mckinnon	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 September 2003.  
2a)  This action is **FINAL**.                            2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-9, 13-18 and 20 is/are rejected.

7)  Claim(s) 10-12 and 19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 13 September 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefmacher (DE 3629880).

Stefmacher discloses a replaceable fine dirt guard for car radiators comprising all of the applicant's claimed and disclosed limitations of the instant invention.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-9, 14-17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefmacher (DE 3629880) in view of Mittendorf (U.S. 3,863,728).

Stefmacher's invention discloses all of the claimed limitations from above except for a pair of mounting brackets arranged at the top of the frame such that the frame

hangs from a top of the radiator; a pair of frame extensions integral with the frame; at least two frame extension sections, wherein one of the at least two frame extension sections is arranged on the air-intake side of the radiator and wherein another of the at least two frame extension sections is arranged at a top of the radiator; a pair of bracket tabs, wherein each bracket tab comprises at least two bracket-tab sections, wherein one of the at least two bracket-tab sections is arranged on an air-outlet side of the radiator and wherein another of the at least two bracket-tab sections is arranged above the top of the radiator, wherein the one of the at least two bracket-tab sections arranged above the top of the radiator comprises a post extending downward toward the radiator, wherein the at least one frame extension section arranged at the top of the radiator comprises a slot, and the slot is adapted to receive the post such that the distance between the frame extension section arranged on the air-intake side of the radiator and the bracket tab section arranged on the air-outlet side of the radiator is varied by sliding the post along the slot; a bracket adjuster, wherein the bracket adjuster extends from an air-intake side of the radiator to the air-outlet side of the radiator, wherein the bracket adjuster is mounted to the frame extension and the bracket tab, and wherein rotation of the bracket adjuster slides the post along the slot; a support bracket mounted to the bottom section, wherein the bottom section comprises two horizontally slidable sections such that radiators of varying horizontal dimensions may be accommodated, and wherein the support bracket couples the two horizontally slidable sections together; and a method of protecting the radiator.

5. However, Mittendorf teaches a pair of mounting brackets (45) arranged at the top of the frame such that the frame hangs from a top of the radiator; a pair of frame extensions (40) integral with the frame; at least two frame extension sections, wherein one of the at least two frame extension sections is arranged on the air-intake side of the radiator; a pair of bracket tabs, wherein each bracket tab comprises at least two bracket-tab sections; wherein the one of the at least two bracket-tab sections arranged above the top of the radiator comprises a post (35) extending downward toward the radiator, wherein the at least one frame extension section arranged at the top of the radiator comprises a slot, the radiator is varied by sliding the post along the slot (Fig. 4); a bracket adjuster, wherein the bracket adjuster extends from an air-intake side of the radiator to the air-outlet side of the radiator, wherein the bracket adjuster is mounted to the frame extension and the bracket tab, and wherein rotation of the bracket adjuster slides the post along the slot; a support bracket mounted to the bottom section, wherein the bottom section comprises two horizontally slidable sections such that radiators of varying horizontal dimensions may be accommodated, and wherein the support bracket couples the two horizontally slidable sections together; and a method of protecting the radiator.

Given the teachings of Mittendorf, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the dirt guard of Stefmacher with the above mentioned limitations.

Doing so would provide a radiator cover with improved versatility and protection against harmful damages.

***Allowable Subject Matter***

6. Claims 10-12 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention. Stedman, Morgan, Garver, Mittendorf et al, Ziegler, Balley, Mittendorf, Ivie, Sr., Berth et al, Dreier and Ihde.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell L Mckinnon whose telephone number is 703-305-0059. The examiner can normally be reached on Monday -Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Terrell L Mckinnon  
Primary Examiner  
Art Unit 3743  
May 17, 2004